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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,494	01/12/2004	William D. McKay	RBD-120-A	1986
22825	7590	02/07/2005	EXAMINER	
WILLIAM M HANLON, JR YOUNG & BASILE, PC 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084-3107			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 02/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,494

Applicant(s)

MCKAY, WILLIAM D.

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 3 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/24/04; 4/29/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

Paragraph [0017] describes fig. 3 however there is no figure 3 in the drawings. The drawings show a figure 3a and 3b. Applicant must correctly give a detailed description of figures 3a and 3b.

Paragraph [0040], last line, reads "Fig. 25 and 26" however there is no figure 25 and 26.

Paragraph [0047], line 5, states "rotatable spindle 915" however it should read
--rotatable spindle 916--

Paragraph [0068], last line, reads "aperture 232" however it should read --aperture 230--

Paragraph [0069], first line, reads "aperture 232" however it should read --aperture 230--

Appropriate correction is required.

Claim Objections

Claim 3 is objected to because of the following informalities: Claim 3 further limits the cleaning element however the cleaning element was never positively recited in the independent claim. Therefore, in order to make this claim proper the cleaning element should be positively claimed in claim 1. Appropriate correction is required.

Claim 23 is objected to because of the following informalities: Claim 23 is dependent from claim 23. A claim cannot be dependent on itself and therefore applicant must correctly designate the appropriate claim that claim 23 is supposed to depend from.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 8-9, 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Root et al. (USPN 5870790).

Root teaches a cleaning apparatus comprising a cleaning element support means (54) for carrying the cleaning element about a sidewall of the support means (figs. 10-12). There is a handle coupled to the support means wherein the handle is rotatably coupled to the support. There is a motor (4) carried in the handle having a rotatable output shaft for rotating the support means upon activation of the motor. A battery (6) electrically activates the motor. There is a clamp means (fig. 12) on the support for clamping the cleaning element in a fixed position on the support. There is a core (fig. 11) mounted on the support and the cleaning element is mounted on the core. The cleaning element is clamped on the core.

For claims 19-23, the entire element 54 is considered the support means. There is a container, which defines the support means, for carrying fluid and apertures formed in the container for dispensing the fluid from the container. The apertures dispense the fluid from the container only during rotation of the support means. There is a valve means fluidically coupled to the apertures in the end wall and moveable between a first position sealing the apertures and a second position opening the apertures to allow the fluid to flow through. The valve means is moveable to the second position upon contact with an external surface.

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Claims 1, 3-4, 6-7, 8-9, 11-15, 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Teren (USPN 3500490).

Teren teaches a cleaning apparatus comprising a cleaning element support means (30) for carrying the cleaning element (39) about a sidewall of the support means. There is a handle (15) coupled to the support means wherein the handle is rotatably coupled to the support. There is a powered drive means (not labeled) carried in the handle having a rotatable output shaft for rotating the support means upon activation of the power drive means. The cleaning element comprises a mat (44) having an exterior surface wherein the cleaning member is fixed to the exterior surface of the mat. There is a clamp means (36) on the support for clamping the cleaning element in a fixed position on the support. Opposed ends of the cleaning element are spaced from each other when mounted on the support means and the clamp member is releasably mounted in a slot (49) for fixing the cleaning element to the support means. There is a core (44) mounted on the support and the cleaning element is mounted on the core. The cleaning element is clamped on the core. The clamp means comprises a separate clamp (51) for attaching the cleaning element to the core. The clamp means (51) is mounted over the end of the cleaning element to fix the element to the support. The cleaning element extends over substantially the entire exterior surface of the support means.

For claims 19-22, the both elements 30, 39, as a whole, are considered the support means. There is a container (46), which defines the support means, for carrying fluid and apertures are formed in the container for dispensing the fluid from the container. The apertures dispenses the fluid from the container only during rotation of the support means.

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Claims 1-2, 8, 13, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaines (USPN 3307211).

Gaines teaches a cleaning apparatus comprising a cleaning element support means (15) for carrying the cleaning element (10, 12) about a sidewall of the support means. There is a handle (3) coupled to the support means wherein the handle is rotatably coupled to the support. There is a motor (not labeled) carried in the handle having a rotatable output shaft for rotating the support means upon activation of the motor. A battery electrically activates the motor. There is a core (10) mounted on the support and the cleaning element is mounted on the core. The cleaning element is clamped on the core. The cleaning element extends over substantially the entire exterior surface of the support means. There is a removable attachment carrying an auxiliary cleaning element (18) on the end of the support.

Claims 1, 8, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lesetar (USPN 3890984).

Lesetar teaches a cleaning apparatus comprising a cleaning element support means (49) for carrying the cleaning element (57) about a sidewall of the support means. There is a handle (11) coupled to the support means wherein the handle is rotatably coupled to the support. There is a motor (27) carried in the handle having a rotatable output shaft for rotating the support means upon activation of the power drive means. There is a core mounted on the support and the cleaning element is mounted on the core. The cleaning element extends over substantially the entire exterior surface of the support means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (USPN 5890249) in view of Root et al. (USPN 587790).

Hoffman teaches a cleaning device comprising a cleaning element support means (36) for carrying the cleaning element about a sidewall of the support means. There is a handle (16) coupled to the support means wherein the handle is rotatably coupled to the support. There is a powered drive means (16) carried in the handle and a battery to activate the power drive means. The cleaning element comprises a mat (32) having an exterior surface wherein the cleaning members are fixed to the exterior surface of the mat. There is a clamp means (34a-d) on the support for clamping the cleaning element in a fixed position on the support. The clamp means are a pivotal member carried on the support that is pivotal between a first and second position. Opposed ends of the cleaning element are spaced from each other when mounted on the support means and the clamp member is releasably mounted in a slot (above 27a, 27b) for fixing the cleaning element to the support means. There is a core (32) mounted on the support and the cleaning element is mounted on the core. The cleaning element is clamped on the core by means of a pivotally mounted clamp. The clamp means is mounted over the cleaning element to fix the cleaning element to the support means. The cleaning element extends over substantially the entire exterior surface of the support means. Hoffman teaches all the essential elements of the

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claimed invention however fails to teach that the cleaning device rotates. Root teaches a rotating cleaning device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the cleaning device of Hoffman rotatable. Hoffman already teaches a device that vibrates to clean more efficiently and therefore making the device a rotating cleaning mechanism would only increase the cleaning capabilities.

Claims 1-10, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root et al. in view of Hoffman.

Root teaches all the essential elements of the claimed invention as stated above however fails to teach a pivotal clamping means for holding the cleaning element on the support member. Hoffman teaches a cleaning device comprising a cleaning element support means (36) for carrying the cleaning element about a sidewall of the support means. The cleaning element comprises a mat (32) having an exterior surface wherein the cleaning members are fixed to the exterior surface of the mat. There is a clamp means (34a-d) on the support for clamping the cleaning element in a fixed position on the support. The clamp means are a pivotal member carried on the support that is pivotal between a first and second position. Opposed ends of the cleaning element are spaced from each other when mounted on the support means and the clamp member is releasably mounted in a slot (above 27a, 27b) for fixing the cleaning element to the support means. There is a core (32) mounted on the support and the cleaning element is mounted on the core. The cleaning element is clamped on the core by means of a pivotally mounted clamp. The clamp means is mounted over the cleaning element to fix the cleaning element to the support means. The cleaning element extends over substantially the entire exterior surface of the support means. It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to use the cleaning head of Hoffman on the handle of Root. Root already teaches using the handle with various types of cleaning heads therefore using the cleaning head of Hoffman on Root's invention would increase the cleaning capabilities and uses of Root's device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
2/2/05

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